

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
307**

**FURLOUGH POLICY
(TEMPORARY)**

Supersedes: New
Effective Date: 07.01.09

AUTHORITY

SB 433 of the 2009 Legislative Session

RESPONSIBILITY

1. Employees are responsible for monitoring their time to ensure they have taken the appropriate number of furlough days in a fiscal year.
2. Supervisors are responsible to ensure compliance, track and appropriately document unpaid furlough leave to comply with the State and Department regulations.

307.01 FURLOUGH POLICY

1. A furlough is the placement of an employee on leave and no salary of any kind is paid for the leave hours. An employee will not receive shift differential or any other adjustment to pay on the furlough hours.
2. The furlough is in effect from July 1, 2009 through June 30, 2011.
3. A full-time classified employee, unless exempted by the Board of Examiners, is required to take 96 hours of furlough leave in each fiscal year.
 - A. Furlough leave cannot exceed 96 hours per fiscal year.
4. An employee shall take 8 hours unpaid furlough per month, and cannot exceed 8 hours per month.
 - A. Unpaid furlough may be taken in not less than 4-hour increments.
 - B. Hardships requests to take furlough in increments less than 4 hours can be appealed to the Director, and must include hardship justification.
5. An employee who is less than full-time must take a number of hours of unpaid furlough leave in portions equal to the average number of hours worked per working day multiplied by 12.

6. A classified employee that is exempt from receiving overtime may not take unpaid furlough leave in less than 8 hour increments.

A. For the week of the furlough the employee is paid on an hourly basis and must report partial day absences on their time sheet.

B. Exempt employees must not work more than 32 hours in the week in which they take furlough leave.

7. An unclassified employee, unless exempted by the Board of Examiners, must take a day off each month. "A day" consists of the number of hours an employee works in a standard workday, but not more than 8 hours in a day.

8. Furlough leave is specifically coded in NEATS as a special kind of leave without pay (UFRLO).

A. Any other leave without pay that an employee takes must be approved by the appointing authority and entered in NEATS using the appropriate code.

9. No work of any kind may be performed during the time to be considered unpaid furlough leave, this includes work at home, monitoring e-mails, telephone messages, and responding to inquiries from work.

10. An employee cannot work overtime, stand-by, or call-back in a week in which they take furlough leave.

A. Any requirement for the employee to work on a furlough day will result in the employee's time being adjusted.

B. If an employee takes furlough leave and subsequently needs to work additional hours, the employee will adjust days or hours worked.

C. Example: 8 hours of furlough are taken on Monday, and 6 hours of overtime are worked on Saturday; the employee will reduce the furlough leave to 2 hours on Monday and record 6 straight time hours on Saturday.

D. Employees assigned to work more than an 8-hour shift shall furlough 8 hours in a day. On the furlough day, the employee will be required to work or take the remaining hours as compensatory leave, annual leave, or leave without pay; or the employee may adjust that workweek to an 8-hour schedule as done on holidays.

11. Wage verifications and pay requests for garnishments and/or child support will be reported without regard to the impact of furlough.

12. An employee who is on furlough leave is considered to have worked that day, for all purposes except payment of salary and determination of overtime, including:

- A. Accrual of sick and annual leave;
- B. Determining the pay progression date;
- C. Continuity of service;
- D. Duration of the probationary period;
- E. Determining eligibility for holiday pay;
- F. Seniority for all purposes, including layoffs;
- G. The Public Employees' Benefits Program; and
- H. The Public Employees' Retirement System

13. Supervisors, Division Heads, and Wardens should ensure an employee makes every effort to reduce their excess annual leave and use the appropriate amount of unpaid furlough leave to prevent forfeiture or payment of excess annual leave.

14. State offices cannot be closed for the purposes of furlough.

15. Employees on the employee/employer compensation schedule shall be required to pay their portion of retirement for the unpaid furlough leave taken in a pay period. This amount will be deducted along with the regular retirement contribution on the employee's paycheck.

16. Unpaid furlough leave will be counted as time worked for the purpose of determining eligibility under the Family and Medical Leave Act (FMLA). Unpaid furlough leave taken during the time an employee is on FMLA leave will not be counted against the employee's 12-week FMLA entitlement.

17. Employees, including those exempted by the Board of Examiners, placed on administrative leave shall be required to take 8 hours of unpaid furlough leave per month as determined by the appointing authority.

18. An employee on extended leave due to an injury, and/or on modified duty, must take the required unpaid furlough leave hours.

A. Any Workers' Compensation benefit amount received for furlough hours is payable to employee.

19. Employees may not substitute furlough leave hours for a paid holiday.

20. Every employee is subject to unpaid furlough leave regardless of type of appointment or funding source of position.

21. To support the continued operations of an institution an employee's shift may be changed temporarily by the appointing authority to ensure appropriate staffing coverage.

22. Any employee refusing to take the unpaid furlough leave, will be required to take a specific time off as designated by the appointing authority, and will be subject to disciplinary action.

307.02 APPROVAL/DOCUMENTATION

1. An employee may schedule unpaid furlough leave in advance by utilizing the Authorization for Leave and Overtime Request form (DOC-1000).

2. Unpaid furlough leave requests must be approved in advance of utilizing unpaid furlough leave.

3. To ensure appropriate staffing levels and ensure that furloughs are taken, the appointing authority may require an employee to take furlough leave on a specific date.

4. Conflicts in furlough leave will be determined by employees' continuous service date.

307.03 REPORTING

1. Furlough leave will be reported on the employee time sheet.


2. The Department Personnel Division shall provide a monthly report of furlough to the Director, Deputy Directors, Wardens, and Division Heads.

APPLICABILITY


1. This regulation applies to all classified and unclassified employees of the Department.

2. This regulation does not require an OP.

3. This regulation requires an audit.



Howard Skolnik, Director



Date